

Sarah E. Piepmeier, Bar No. 227094  
SPiepmeier@perkinscoie.com  
Elise Edlin, Bar No. 293756  
EEdlin@perkinscoie.com  
PERKINS COIE LLP  
505 Howard Street, Suite 1000  
San Francisco, California 94105  
Telephone: +1.415.344.7000  
Facsimile: +1.415.344.7050

Janice L. Ta (admitted *pro hac vice*)  
JTa@perkinscoie.com  
PERKINS COIE LLP  
405 Colorado Street Suite 1700  
Austin, Texas 78701  
Telephone: +1.737.256.6100  
Facsimile: +1.737.256.6300

Jassiem N. Moore, (admitted *pro hac vice*)  
JassiemMoore@perkinscoie.com  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
Telephone: +1.206.359.8000  
Facsimile: +1.206.359.9000

Brianna Kadjo, Bar No. 303336  
BKadjo@perkinscoie.com  
PERKINS COIE LLP  
1900 Sixteenth Street, Suite 1400  
Denver, Colorado 80202-5255  
Telephone: +1.303.291.2300  
Facsimile: +1.303.291.2400

Attorneys for Defendant NETFLIX, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

**Case No. 4:22-cv-01490-JST**

**DEFENDANT NETFLIX, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
DOCUMENTS UNDER SEAL**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 NOTICE IS HEREBY GIVEN that in accordance with Civil Local Rules 7-11(a) and 79-5  
 3 Defendant Netflix, Inc. (“Netflix” or “Defendant”) hereby moves for an order permitting it to file  
 4 documents under seal. Therefore, pursuant to Civil L.R. 79-5, Defendant moves for leave to file  
 5 the narrowly tailored portions of Exhibit A to the Unopposed Motion for Leave to Supplement its  
 6 Responsive Damages Contentions (“Exhibit A”), under seal.

7 **A. Legal Standard**

8 To determine whether to allow documents to be filed under seal under Ninth Circuit law,  
 9 two different tests apply depending on circumstances. The “compelling reason” test applies to  
 10 documents attached to dispositive motions or documents, *Kamakana v. City and County of*  
 11 *Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006), or where the motion is “more than  
 12 tangentially related to the underlying cause of action,” *Ctr. for Auto Safety v. Chrysler Grp., LLC*,  
 13 809 F.3d 1092, 1099 (9th Cir. 2016). The less-restrictive “good cause” test applies to documents  
 14 attached to other non-dispositive motions. *Kamakana*, 447 F.3d at 1178-80. Here, the good  
 15 cause test applies because the underlying discovery is non-dispositive and is only tangentially  
 16 related to the underlying contract cause of action. *See Prolifiq Software Inc. v. Veeva Sys. Inc.*,  
 17 No. C-13-03644-SI, 2014 WL 2527148, at \*3 (applying good cause to motion to seal trade secret  
 18 identification and related exhibits in discovery dispute). Under the “good cause” standard of Rule  
 19 26(c), the Court has “broad latitude” “to prevent disclosure of materials for many types of  
 20 information, including, but not limited to, trade secrets or other confidential research,  
 21 development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211  
 22 (9th Cir. 2002) (emphasis in original). Regardless, the documents at issue here would likewise  
 23 satisfy the “compelling reasons” test, because one of the key considerations is whether their use  
 24 would “release trade secrets.” *Kamakana*, 447 F.3d at 1179. Fed. R. Civ. P. 26(c)(1)(G)  
 25 specifically notes that “trade secret or other confidential research, development, or commercial  
 26 information” may remain subject to protection.

1 **B. The Court Should Grant Netflix’s Request as to Portions of Exhibit A**

2 As set forth in the accompanying declaration of Elise Edlin, good cause (and a compelling  
3 reason) exists to seal portions of Exhibit A to Netflix’s Unopposed Motion for Leave to  
4 Supplement Its Responsive Damages Contentions.

5 **C. Statement of Compliance**

6 Defendant has reviewed and complied with the Standing Order Governing Administrative  
7 Motions to File Materials Under Seal Before District Judge Jon S. Tigar. Defendant has also  
8 reviewed and complied with Civil Local Rule 79-5, including the requirement to file separate  
9 motions if a party seeks to file under seal a document containing “portions that more than one  
10 party bears the burden of showing is sealable.”

11 For the foregoing reasons, Netflix respectfully requests that the narrowly tailored portions  
12 of Exhibit A be sealed.

1 Dated: June 20, 2023

**PERKINS COIE LLP**

3 By: /s/ *Elise Edlin*

4 Sarah E. Piepmeier  
SPiepmeier@perkinscoie.com  
5 Elise Edlin, Bar No. 293756  
EEdlin@perkinscoie.com  
PERKINS COIE LLP  
6 505 Howard Street, Suite 1000  
San Francisco, California 94105  
7 Telephone: +1.415.344.7000  
Facsimile: +1.415.344.7050

8 Janice L. Ta  
9 JTa@perkinscoie.com  
PERKINS COIE LLP  
10 405 Colorado Street Suite 1700  
Austin, Texas 78701  
11 Telephone: +1.737.256.6100  
Facsimile: +1.737.256.6300

12 Jassiem N. Moore  
13 JassiemMoore@perkinscoie.com  
PERKINS COIE LLP  
14 1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
15 Telephone: +1.206.359.8000  
Facsimile: +1.206.359.9000

16 Brianna Kadjo  
17 BKadjo@perkinscoie.com  
PERKINS COIE LLP  
18 1900 Sixteenth Street, Suite 1400  
Denver, Colorado 80202-5255  
19 Telephone: +1.303.291.2300  
Facsimile: +1.303.291.2400

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21 Attorneys for Defendant NETFLIX, INC.  
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**CERTIFICATE OF SERVICE**

I, Kate Rose, declare:

I am a citizen of the United States and employed by the firm of Perkins Coie LLP in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. On June 20, 2023, I caused to be served a true copy of the sealed version of **EXHIBIT A TO THE MOTION FOR LEAVE TO SUPPLEMENT ITS RESPONSIVE DAMAGES CONTENTIONS** upon counsel as listed below:

Susan S.Q. Kalra  
RAMEY LLP  
303 Twin Dolphin Drive, Suite 600  
Redwood City, CA 94065  
skalra@rameyfirm.com

William P. Ramey, III  
Kyril Talanov  
RAMEY LLP  
5020 Montrose Blvd., Suite 800  
Houston, Texas 77006  
wramey@rameyfirm.com  
ktalanov@rameyfirm.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 20, 2023.

/s/ Kate Rose  
Kate Rose